

SENATE BILL 3985
By Bryson

AN ACT to amend Tennessee Code Annotated, Title 13,
Chapter 7, Part 4, relative to historic districts.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF TENNESSEE:

SECTION 1. Tennessee Code Annotated, Section 13-7-404, is amended by designating the existing language as subsection (a) and by adding a new subsection thereto, as follows:

(b)

(1) No historic district or zone covering ten (10) or more zone lots shall be established unless the boundaries of the proposed district are specifically reviewed at a public hearing by the historic zoning commission and certified and approved by the commission as constituting the most logical boundaries of the proposed historic district or zone. Where possible, boundaries for historic districts or zones covering ten (10) or more zone lots shall lie along rear or side property lines or along a major street. For the purposes of this section, "major street" means a public right-of-way on which traffic flow is controlled by one (1) or more automated traffic lights within one-half (½) mile from the closest point in the proposed historic district or zone.

(2)(A) Prior to creation or establishment of a historic district or zone, the historic zoning commission shall, within ninety (90) days of submitting its recommendation to the county or municipal legislative body regarding the creation of a historic district or zone, submit a written ballot through first-class U.S. mail to the address of each property listed in the proposed historic district or zone. Each ballot shall contain a place for the owner of the property to indicate that the ballot should be considered:

(A) For the inclusion of the property within the proposed historic district or zone;

(B) Against the inclusion of the property within the proposed historic district or zone; or

(C) Neither for or against the inclusion of the property within the proposed historic district or zone.

(B) The property owner shall have at least thirty (30) days from the date the ballot is mailed to postmark the ballot and return it to the historic zoning commission.

Each ballot shall indicate the date that the ballot must be postmarked by the property owner with instructions on how to fill it out and return it to the historic zoning commission to be counted as a valid ballot. The historic zoning commission shall then tabulate the ballots and present the tabulation and, upon request of any member of the county or municipal legislative body, the ballots to the county or municipal legislative body. In order for the proposed historic district or zone to be presented for a vote to the county or municipal legislative body, the tabulation must indicate that two thirds of the total number of ballots mailed by the historic zoning commission unambiguously indicate "for" the inclusion of the property within the proposed historic district or zone.

(3) The provisions of this section shall only apply in any county having a metropolitan form of government and having a population of more than five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census.

SECTION 2. Tennessee Code Annotated, Section 13-7-405, is amended by deleting subsection (b) in its entirety and by substituting instead the following:

(b)

(1) Prior to making a recommendation to the county or municipal legislative body, the historic zoning commission must satisfy the requirements of § 13-7-404(b) and must certify that it has analyzed the proposed historic district and zone and that, based upon its analysis, the proposed creation of the historic district or zone is necessary to stabilize and improve the property values of the district or zone, and will not likely result in a decrease or suppression in value to any property contained in such district zone.

(2) The provisions of this subsection shall only apply in any county having a metropolitan form of government and having a population of more than five hundred thousand (500,000) according to the 2000 federal census or any subsequent federal census.

SECTION 3. This act shall take effect upon becoming a law, the public welfare requiring it.